UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/699,181 | 10/31/2003 | Hideyasu Yamabe | MM0707US (#90326) | 1063 |

28672 7590 02/03/2005

D. PETER HOCHBERG CO. L.P.A.
1940 EAST 6TH STREET
CLEVELAND, OH 44114

| EXAMINER | |
|---|---|
| JUBA JR, JOHN | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2872 | |

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/699,181 | YAMABE, HIDEYASU | |
| | Examiner | Art Unit | |
| | John Juba, Jr. | 2872 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-6 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 31 October 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 112*

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is incomplete and indefinite as being presented in dependent form without an indication as to which is its parent claim.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Scifres (U.S. Patent number 4,022,520). Referring *initially* to Figure 2 and the associated text, Scifres discloses a mirror wherein the mirror surface comprises two parts (1)(2) divided from each other, each divided mirror surface having a reflection

angle adjustment mechanism (ball-and-socket mechanisms 12 and 22, respectively) enabling independent and arbitrary adjustment of a reflection angle. The claims are apparently drawn only to the mirror *in combination* with a motor vehicle's body. Nonetheless, Scifres anticipates that the mirror will be installed on a motor vehicle's body (Col. 2, lines 37 – 40) to reflect on a mirror surface thereof what is behind (and to the side of) the vehicle's body (Col. 1, lines 5 – 8). By reference to use of the assembly as a "side view mirror" mounted on the side of a vehicle (Col. 1, lines 45 - 46), it is believed that Scifres clearly conveys that the mirror is installed in such a manner as to project laterally from the vehicle's body, as recited.

To the extent that the scope of claim 3 can be ascertained, Scifres anticipates the further case wherein the two mirror parts are provided as upper and lower mirror parts.

With regard to claim 4, Scifres anticipates that the rotatable disk will be rotated so that the mirror parts are laterally adjacent to provide an inner side part and an outer side part (Col. 1, lines 64 – 68).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scifres, in view of Platzer, as reported in *Popular Science*. As set forth above for claims 1 and 4, Scifres discloses the invention substantially as claimed. Further, it should be apparent from the illustration that when the rotatable disk is rotated to provide inner and outer mirror parts, the mirror parts are divided by a vertical division line. However, Scifres does not disclose the outer-side part as being turned to project laterally from the door mirror with the mirror surface facing outward, as recited.

*Popular Science* reports Platzer as teaching that accidents can be avoided by extending the blind-spot viewing zone beyond the convention viewing zone by turning the blind-spot viewing, side view mirror outwardly 15° beyond the conventional side-viewing adjustment. Platzer teaches that this provides permits the driver to view a portion of the blind spot not otherwise viewable, and at the same time prevents glare from the trailing vehicles headlights from reaching the driver's eyes.

It would have been obvious to one of ordinary skill to orient the blind spot viewing mirror part of Scifres so that it is turned to project laterally from the door mirror with the mirror surface facing outward, in the interest of providing the additional field of view without glare, as suggested by Platzer. Scifres teaches that the mirror assembly permits the mirror parts to provide independent views. It is believed that it would have been obvious to one of ordinary skill to employ the outermost mirror part to provide the outermost field of view and to employ the innermost mirror part to provide the innermost field of view, in the interest of preventing the confusion and potential for collision that would arise from having the mirror views reversed.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belaire (U.S. Patent Appl. Pub. no. 2002/0015241 A1), in view of Official Notice. Referring *for example* to Figure 3 and the text in paragraph [0025], Belaire discloses a mirror wherein the mirror surface comprises two parts (12)(14) divided from each other, each divided mirror surface having a reflection angle adjustment mechanism (22) enabling independent and arbitrary adjustment of a reflection angle. The claims are apparently drawn only to the mirror *in combination* with a motor vehicle's body. Belaire discloses that the mirror will be installed on a motor vehicle in the same position as conventional side view mirrors (para. [0027]). However, Belaire does not expressly disclose the mirror mounted to a vehicle *body* (as opposed to a window or glazing), as recited.

The examiner takes Official Notice of the fact that it was well known to attach a side view mirror to a vehicle body. Such was known as a secure mounting location for permanent installation. Further, the examiner takes Official Notice of the fact that it was well known that a vehicle door was a well-known and conventional mounting location for a side view mirror.

It would have been obvious to one of ordinary skill to attach the mirror of Belaire to a vehicle body, since such was known to be a conventional location for side view mirrors, and since Belaire suggests mounting in a conventional side view mirror location. As such, Belaire suggests a "door mirror" within the specificity recited. To the extent that it *may be* held that the mirror must be mounted to a vehicle *door* in order to

be characterized as a "door mirror", then it would have been obvious to mount the mirror on a vehicle door, since such was a well known and conventional mounting location, and since Belaire teaches use of a conventional mounting location.

To the extent that the scope of claim 3 can be ascertained, Belaire anticipates the further case wherein the two mirror parts are provided as upper and lower mirror parts.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belaire (U.S. Patent Appl. Pub. no. 2002/0015241 A1), in view of Official Notice, and further in view of Herzog, et al (U.S. Patent number 4,502,759). As set forth above for claim 1, in light of what were well known to be conventional mounting locations, Belaire suggests the invention substantially as claimed. However, Belaire does not disclose the adjusting mechanisms as including intersecting horizontal and vertical shafts, support bearings on a rear face of the mirror surface and base support, or projections arranged as recited.

In the same field of endeavor, Herzog, et al disclose a reflection angle adjusting mechanism for side view mirrors comprising horizontal and vertical shafts intersecting each other in a cross shape (13), one of the shafts being supported by bearings (15) on a rear face of the mirror surface, and the other shaft being supported by bearings on a base supporting the mirror surface, and projections (10)(11) provided on the base at two locations respective on virtually extended lines of the shafts, the projections being protrudable and abutting against the rear face of the mirror surface when protruded, and the shaft respectively urged to turned against projecting forces of the projections.

Herzog, et al teach that this adjusting arrangement is superior to prior art adjusting mechanisms having a relatively small pivot point. The improved adjusting mechanism of Herzog, et al overcomes the obscured view of the prior art mirrors that arises from vibration of the mirror element about a relatively small pivot point, and thus reduces the potential for accidents.

It would have been obvious to one of ordinary skill to employ the mirror adjusting mechanism of Herzog, et al in place of the mirror adjusting mechanisms of Belaire, et al, in the interest of improving the clarity of view by reducing mirror vibration as taught by Herzog, et al, and further in the interest of reducing the potential for vehicle collisions.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spigner (U.S. Patent number 6,193,377), in view of Official Notice. Referring *for example* to the discussion of Figures 1 and 4, Spigner discloses a mirror wherein the mirror surface comprises two parts (14)(16) divided from each other, each divided mirror surface having a reflection angle adjustment mechanism (22) enabling independent and arbitrary adjustment of a reflection angle. Spigner discloses attachment "mechanisms" in the form of screws (32) as part of adjustable support means for inboard mirror (14)(Col. 4, lines 21 – 40) and discloses elements (50)(52)and (54) as part of an adjustment mechanism for the outboard mirror (16). The claims are apparently drawn only to the mirror *in combination* with a motor vehicle's body. Spigner discloses that the mirror will be installed on a motor vehicle forwardly of the driver and to one side thereof

(Col. 3, lines 15 – 20). However, Spigner does not expressly disclose the mirror mounted to a vehicle *body* (as opposed to a window or glazing), as recited.

The examiner takes Official Notice of the fact that it was well known to attach a side view mirror to a vehicle body. Such was known as a secure mounting location for permanent installation. Further, the examiner takes Official Notice of the fact that it was well known that a vehicle door was a well-known and conventional mounting location for a side view mirror. In the context of truck mirrors such as that of Spigner, it was well-known to mount truck mirror support arms at attachment points on the upper edge of the driver's door and on the door panel, below the side window.

It would have been obvious to one of ordinary skill to attach the mirror of Spigner to a vehicle body, since such was known to be a conventional location for side view mirrors, and since Spigner fairly suggests mounting in a conventional side view mirror location. As such, Spigner suggests a "door mirror" within the specificity recited. To the extent that it *may be* held that the mirror must be mounted to a vehicle *door* in order to be characterized as a "door mirror", then it would have been obvious to mount the mirror on a vehicle door, since such was a well known and conventional mounting location, and since such a location would have been to one side of and forward of the driver, as suggested by Spigner.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spigner, in view of Official Notice, and further in view of Platzer, as reported in *Popular Science*. As set forth above for claims 1 and 4, Spigner discloses the invention

substantially as claimed. Further, Spigner discloses the mirror parts connected by a "line of coupling". However, Spigner does not disclose the outer-side ("outboard") mirror part as being turned to project laterally from the door mirror with the mirror surface facing outward, as recited.

*Popular Science* reports Platzer as teaching that accidents can be avoided by extending the blind-spot viewing zone beyond the convention viewing zone by turning the blind-spot viewing, side view mirror outwardly 15° beyond the conventional side-viewing adjustment. Platzer teaches that this provides permits the driver to view a portion of the blind spot not otherwise viewable, and at the same time prevents glare from the trailing vehicles headlights from reaching the driver's eyes.

It would have been obvious to one of ordinary skill to orient the blind spot viewing mirror part of Spigner so that it is turned to project laterally from the door mirror with the mirror surface facing outward, in the interest of providing the additional field of view without glare, as suggested by Platzer. Spigner teaches that outboard mirror position should be adjustable to provide a field of view ensuring safe lane-changes. It is believed that it would have been obvious to one of ordinary skill to employ the outermost mirror part to provide the outermost field of view and to employ the innermost mirror part to provide the innermost field of view, in the interest of preventing the confusion and potential for collision that would arise from having the mirror views reversed.

With particular regard to claim 6, support bracket (36) fairly constitutes a common base in connection with a pivot point between the two mirrors is provided. As

described in connection with adjustment of the inboard mirror, it should be clear that the common base has a base reflection angle changeable to an arbitrary angle by the first angle adjustment mechanism. The outboard mirror part is associated with a non-base reflection angle, changeable to an arbitrary angle by the second angle adjusting mechanism.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith (U.S. Patent number 5,760,978) discloses inner and outer mirror parts which are independently adjustable.

Deshaw (U.S. Patent number 4,286,841) discloses a cross-shaped member as part of a universal joint permitting the mirror surface of a door mirror to pivot about horizontal and vertical axes.

Husak (U.S. Patent number 2,916,967) discloses a door mirror having an adjustably supported common arm section and upper and lower mirror parts which are independently adjustable on a bifurcated end portion of the adjustably supported arm.

Corrigan (GB 2,223,724 A) discloses a door mirror having a segmented mirror surface, wherein one segment is independently adjustable as to viewing angle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Juba whose telephone number is (571) 272-2314. The examiner can normally be reached on Mon.-Fri. 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Drew Dunn whose number is (571) 272-2312 and who can be reached on Mon.- Thu., 9 – 5.

The centralized fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for *all* communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

JOHN JUBA, JR.
PRIMARY EXAMINER
Art Unit 2872

January 31, 2005